In the High Court for the States of Punjab and Haryana, at Chandigarh.

R.S.A.No. 1177 of 2007 (O&M)
Decided on April 20,2007

Municipal Council, Rewari, through its Secretary --Appellant.

vs.

Lalit Kumar and another -- Respondents.

Present: Mr. S.S.Chauhan,Advocate,for the appellant.

Pritam Pal,J:(Oral)

This Regular Second appeal by appellant/defendant -Municipal Council, is directed against judgment and decree dated August 19,2004 passed by Civil Judge (Junior Division),Rewari, whereby a suit filed by the respondents/plaintiffs for declaration and permanent injunction regarding quashing of the notice dated July 22,1999 issued by the defendant/appellant and for restraining the appellant/defendant from demolishing sun-shed in the house of the respondents/plaintiffs, was decreed. Thereafter, appeal filed by the appellant/defendant was dismissed with costs by learned Additional District Judge, Rewari, vide judgment and decree dated November 28,2006.

Now the contention of learned counsel for the appellant/defendant is that the respondents/plaintiffs had raised construction of sun-shed in their house without getting site plan sanctioned in that behalf. But a perusal of the impugned judgments

passed by the Courts below goes a long way to show that the appellant Municipal council after receiving payment of Rs. 500/- vide receipt No. 8/84 dated May 26,1999, as composite fee had regularised construction of said sun-shed in the house of the plaintiffs. The concurrent findings in this regard given by the Courts below are not perverse or unreasonable. More-so, learned counsel for the appellant also could not make out any substantial question of law for consideration by this Court. Hence, this appeal stands dismissed in *limine*.

Since no case is made out on merit, so, no order is required to be passed on the application for condonation of delay.

April 20,2007 (Pritam Pal)
RR Judge